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In re Application of

**OFFICE OF PETITIONS**

Jung W. Lee

Application No. 10/627,455

: DECISION ON PETITION

Filed: July 25, 2003

Attorney Docket No. JWLE-01000US0

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed January 17, 2006.

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

This application was held abandoned on September 17, 2005, after it was believed that no response was received to the non-final Office action mailed June 16, 2005. The non-final Office action allowed a shortened statutory period for reply of three months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed on December 29, 2005, indicating that a reply to the non-final Office action was not received.

The instant petition maintains that an amendment responsive to the non-final Office action was mailed on December 16, 2005. A copy of the amendment containing a certificate of mailing dated December 16, 2005 accompanied the petition. A copy of the Office date-stamp postcard whereby the Office acknowledged having received a response to the non-final Office action on December 19, 2005, also accompanied the petition. A review of the application file revealed that an amendment was received on December 19, 2005 (certificate of mailing dated December 16, 2005.)

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was mailed prior to expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly.

It is noted that the fee for the request for extension of time within the third month was paid in duplicate. The amount of \$510.00 will be refunded, in due course.

The application file is being forwarded Technology Center 3700, GAU 3747, for further processing.



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Office of Petitions